

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:18-CV-631-DCK**

RANDALL SMITH,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
TOWN OF CRAMERTON,)	
)	
Defendant.)	
_____)	

THIS MATTER IS BEFORE THE COURT on “Defendants’ Motions To Dismiss” (Document No. 13) filed January 25, 2019. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and this motion is ripe for disposition. Having carefully considered the motion, the record, and applicable authority, the undersigned will direct that the pending motion to dismiss be denied.

Plaintiff Randall Smith timely filed an “Amended Complaint” (Document No. 22) on September 23, 2019, pursuant to the undersigned’s Order in the “Memorandum And Recommendation” (Document No. 19) issued on September 5, 2019, allowing an Amended Complaint. Also on September 23, 2019, the parties filed a “Joint Stipulation of Consent to Exercise Jurisdiction by a United States Magistrate Judge” (Document No. 21). This matter was reassigned to the undersigned Magistrate Judge on September 24, 2019.

Based on the foregoing, the undersigned finds good cause to allow the “Amended Complaint” (Document No. 22), which supersedes the original “Complaint” (Document No. 1). Furthermore, based on the filing of the “Amended Complaint,” as well as the undersigned’s careful

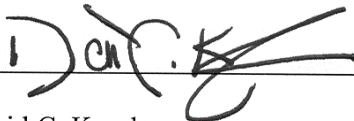
consideration of the pending motion to dismiss, the undersigned will direct that “Defendants’ Motions To Dismiss” (Document No. 13) be denied as moot. See (Document No. 19).

It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (“The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect.”); see also, Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) (“Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint ‘of no effect.’”); Colin v. Marconi Commerce Systems Employees’ Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) (“Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs’ filing of the Second Amended Complaint”); Brown v. Sikora and Associates, Inc., 311 Fed.Appx. 568, 572 (4th Cir. Apr. 16, 2008); and Atlantic Skanska, Inc. v. City of Charlotte, 3:07-CV-266-FDW, 2007 WL 3224985 at *4 (W.D.N.C. Oct. 30, 2007).

IT IS, THEREFORE, ORDERED that “Defendants’ Motions To Dismiss” (Document No. 13) is **DENIED AS MOOT**.

SO ORDERED.

Signed: September 25, 2019



David C. Keesler
United States Magistrate Judge

